

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: November 22, 2010

SUBJECT: AGENDA REPORT

I. CALL TO ORDER (Multi-Purpose Room , First Floor)

II. INTO WORK SESSION - 5:00 p.m.

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Joint Work Session with Planning Commission

- a. Urban Development Areas: Recap of UDA Legislation & Grant Program Schedule
- b. Potential Comp Plan and Zoning Ordinance Amendments
 - Comp Plan & Zoning Implementation Objectives
 - Overview of Potential UDA Mapping & Comp Plan Changes
 - Overview of Potential Zoning Changes
 - Next Steps

III. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby ends their Work Session and returns to Regular Session.

IV. RECESS 6:30 P.M. (To reconvene in the Board Chambers, Second Floor)

V. INTO CLOSED MEETING - 6:45 p.m.

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

- 1. Project # 2010-007

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

- 1. Adjustment & Appeals Board
 - 2. Montgomery Regional Economic Development Commission
 - 3. NRV Economic Development Alliance

VI. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

VII. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

VIII. INVOCATION

IX. PLEDGE OF ALLEGIANCE

X. PRESENTATION

Coal Miner's Loop Trail

The Board of Supervisors will recognize Pathways and Greenways, a non-profit organization, who constructed a 1.5 mile loop trail off the Huckleberry Trail. The trail was designed and built by approximately 15 volunteers, who volunteered 1,935 hours to finish the trail project. The Coal Miner's Loop Trail officially opened to the public on November 17, 2010.

XI. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on October 27 and November 3, 2010:

1. Ordinance Amending Chapter 10, Entitled Zoning, Section 10-41-CONTINUED to January 24, 2011

An ordinance amending Chapter 10 entitled Zoning, Section 10-41 of the Code of the County of Montgomery, Virginia by allowing a temporary family health care structure as defined by Section 15.2-2292.2 of the Code of Virginia as a permitted accessory structure on any property zoned for a single family detached dwelling owned or occupied by a caregiver as his or her residence. See TAB A for a copy of the Planning Commissions letter tabling the above public hearing.

The following public hearing was continued from the October 25, 2010 Board of Supervisors meeting:

2. Ordinance Amending Chapter 10, Entitled Zoning, Section 10-37
CONTINUED to January 24, 2011

An ordinance amending Chapter 10 Entitled Zoning, Section 10-37 of the Code of the County of Montgomery, Virginia by amending the Flood Damage Prevention Overlay to modify the language of the ordinance as it relates to modification, alteration, repair, reconstruction or improvement of any kind to existing structures located in any floodplain areas to an extent or amount less than fifty (50) percent of its market value.

See TAB **B** for a copy of the Planning Commissions letter tabling the above public hearing.

The following public hearings were advertised pursuant to law in the Current Section of the Roanoke Times on October 27 and November 3, 2010:

3. Ordinance Amending Chapter 10, Entitled Zoning, Section 10-41

An ordinance amending Chapter 10 entitled Zoning, Section 10-41 of the Code of the County of Montgomery, Virginia by defining what parking uses are permitted as an accessory use and what parking uses are only permitted by special use permit in commercial and industrial zoned districts.

(TAB **C**)

4. Special Use Permit – Byran &Katie Katz

Request by Bryan J. Katz & Katie R. Katz for a special use permit on 1.653 acres in Community Business (CB) zoning district, with possible conditions, to allow parking of commercial vehicles over five (5) tons. The property is located 3653 Peppers Ferry Road; identified as Tax Parcel No. 064-A-92, (Account No. 002869) in the Riner Magisterial District (District B). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use within the Belview Village Plan. (TAB **D**)

5. Comprehensive Plan Amendment - Policy Map – Long Hollow, LLC

Montgomery County Planning Commission request for a Comprehensive Plan amendment to change the policy map designation of approximately 63 acres immediately adjacent Ryan Road (Private) from Village Low Density Residential in the Shawsville Village plan to Resource Stewardship for parcel(s) located at 382 Ryan Road also identified as a portion of Tax Parcel Nos. 071-A-21, 071-A-43, 071-A-29, 071-A-22, 071-A-23, 071-A-24, 071-A-28 (Account Nos. 016478, 070209, 016475, 016480, 016476, 016477, 016474); in the Shawsville Magisterial District. (TAB **E**)

6. Special Use Permit – B&C Investors, LLC

A request by B&C Investors, LLC for a Special Use Permit (SUP) on approximately 1.84 acres in a General Business (GB) zoning district to allow a contractor's office and storage yard. The property is located at 3913 South Main Street, and is identified as Tax Parcel No(s). 67-A-160A (Acct Nos. 024322), in the Shawsville Magisterial District (District B). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan. (TAB F)

XII. PUBLIC ADDRESS

XIII. ADDENDUM

XIV. CONSENT AGENDA

XV. NEW BUSINESS

**A. SUBJECT: LEAGUE OF WOMEN VOTERS
TRANSFER FROM GENERAL
CONTINGENCES FOR 2011 FACTS FOR
VOTERS BROCHURE (Balance in General
Contingencies before approval of this Resolution
is \$306,321)**

**A-FY-11-
LEAGUE OF WOMEN VOTERS
TRANSFER FROM GENERAL CONTINGENCIES
2011 FACTS FOR VOTERS BROCHURE**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950 General Contingencies (\$200)

TO:

910 League of Women Voters \$200

Said resolution transfers appropriated funds from General Contingencies to the League of Women Voters as a contribution to help cover the cost for the 2011 Facts For Voters publication.

ISSUE/PURPOSE: Transfer from General Contingences.

JUSTIFICATION:

This resolution transfers \$200 from General Contingencies to the League of Women Voters to help support the Montgomery County League of Women Voters 2011 FACTS FOR VOTERS publication. A contribution of \$200 guarantees the County will receive a minimum of 500 brochures.

XVI. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Public Safety Building
2. Proposed Resolution regarding School Capital Needs (TAB **J**)

XVII. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby ends the Work Session to return to Regular Session.

XVIII. COUNTY ATTORNEY'S REPORT

XIX. COUNTY ADMINISTRATOR'S REPORT

XX. BOARD MEMBERS' REPORT

1. Supervisor Politis
2. Supervisor Muffo
3. Supervisor Creed
4. Supervisor Brown
5. Supervisor Marrs
6. Supervisor Biggs
7. Supervisor Perkins

XXI. OTHER BUSINESS

XXII. ADJOURNMENT

FUTURE MEETINGS

Regular Meeting
Monday, December 13, 2010
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

TAB J

DRAFT
11-12-10

A RESOLUTION EXPRESSING THE BOARD OF SUPERVISOR'S SUPPORT FOR THE SCHOOL BOARD'S CRITICAL CAPITAL SCHOOL PROJECTS IN AUBURN AND BLACKSBURG

WHEREAS, the Montgomery County School Board ("the School Board") adopted a Resolution and presented the Resolution to the Board of Supervisors of Montgomery County ("the Board of Supervisors") stating that the School Board declares the replacement of Auburn High School, Auburn Middle School and Blacksburg High School as critical and urgent projects; and

WHEREAS, the Resolution further stated that the estimated cost to replace Auburn High School, Blacksburg High School and Auburn Middle School was \$124,556,000 and that the School Board would coordinate with the Board of Supervisors to assist in the development of a plan to fund the replacement of these schools; and

WHEREAS, the Board of Supervisors has debated and heard extensive public comment on the School Board Resolution; and

WHEREAS, the Board of Supervisors agree with the School Board that the replacement of Auburn High School, Blacksburg High School and the renovation and repair of Auburn High School for use by Auburn Middle School ("Auburn Middle School Project") are critical and urgent projects; and

WHEREAS, it is the Board of Supervisors responsibility in coordination with the School Board to provide the necessary funding for the construction of the three school facilities; and

WHEREAS, the Board of Supervisors support the School Board going forward with the replacement of the Auburn High School, the Blacksburg High School and the Auburn Middle School project contingent upon those certain conditions and stipulations listed below.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Montgomery hereby support the replacement of the Auburn High School, the Blacksburg High School and the Auburn Middle School Project subject to the following stipulations:

1. Since the planning and design phase for Auburn High School has already started, the Board of Supervisors support the School Board moving forward immediately with finalizing the design process for the new Auburn High School so that the Auburn High School project may be ready for construction as quickly as possible.
2. The Board of Supervisors support the School Board applying for QSCB non-interest funding from the State of Virginia to be used as a funding source for any or all of the school projects listed above.

3. The Board of Supervisors support the School Board beginning the design process as soon as possible for a 1200 pupil new Blacksburg High School capable of being expanded to 1600 pupils if needed in the future.
4. The start of construction of the new Blacksburg High School shall be contingent upon the following:
 - (a) The Town of Blacksburg expressing their support for a mix use development on the old BMS site so that the money realized for the sale of the old BMS site may be used as a funding source for the new Blacksburg High School.
 - (b) The School Board agreeing to surplus the Blacksburg High School site on Patrick Henry Drive to the County so that the County may sell the property and use the proceeds of as a funding source for the new Blacksburg High School.
 - (c) The Town of Blacksburg expressing their willingness and support to work with the County on the redevelopment of the Blacksburg High School site on Patrick Henry Drive so that the proceeds realized from the sale of the Blacksburg High School site may be used as a funding source for the new Blacksburg High School.
5. The School Board agreeing to express their willingness and support to surplus the Elliston-Lafayette Elementary, Price's Fork Elementary and Shawsville Elementary School properties when these properties are no longer needed for educational purposes so that the proceeds from the future sale of these properties may be used as a funding source for either the Auburn High School, Blacksburg High School or the Auburn Middle School project.
6. The School Board agrees to use the Insurance proceeds for the Blacksburg High School project and to use the left over bond proceeds from the Price's Fork and East Montgomery Elementary School projects as a funding source for the Auburn High School, Blacksburg High School or Auburn Middle School project.
7. The County Administrator, working with County staff, the County's financial advisors, and the Board of Supervisors, will develop a capital funding plan for the replacement of Auburn High School, Blacksburg High School and the Auburn Middle School project. The plan will include insurance proceeds from the School Board for the collapsed Blacksburg High School gymnasium, proceeds from the sale of surplus school properties (to include old Blacksburg Middle School, Blacksburg High School, Elliston-Lafayette Elementary School, Shawsville Elementary School and old Price's Fork Elementary School), the surplus bond money from the Price's Fork and East Montgomery Elementary school projects, and the issuance of future debt to provide for the remaining proceeds needed for these capital projects. Debt issuances will be structured to allow for incremental tax increases over a four to five year period to provide

sufficient revenues to support these capital projects, with no projected property tax increase needed to fund these three capital projects through fiscal year FY 2013.